

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SCIENTIFIC IMAGE CENTER
MANAGEMENT, INC., a Michigan
Corporation, LIFESTYLE LIFT HOLDING,
INC., a Michigan Corporation, DMK
MEDICAL, PLLC, a Michigan
Professional Limited Liability Company,

Case No. 06-11934

District Judge John Corbett O'Meara
Magistrate Judge R. Steven Whalen

Plaintiffs,

v.

HOMAIRA N. DANISH, M.D.,
HOMAIRA NAWROZ DANISH, M.D., P.L.L.C.,
a/k/a PURE REJUVENATION CENTER,
ANN NEWBOLD BRIN and ALAN J.
SUSSMAN/SIKES, a Michigan Corporation,
jointly and severally,

Defendants.

ORDER GRANTING MOTION TO AMEND COMPLAINT

Before the Court is Plaintiff's Motion to Amend the Complaint [Docket #14], which has been referred for hearing and determination under 28 U.S.C. §636(b)(1)(A). Pursuant to E.D. Mich. L.R. 7.1(e)(2), this motion will be submitted without oral hearing on the briefs.

Fed.R.Civ.P. 15(a) states that after a responsive pleading is filed, a complaint may be amended only by leave of the court, but that "leave shall be freely given when justice so requires." The Defendants state that while they do not oppose the Motion to Amend, they

cannot consent “in light of concerns regarding this Court’s subject matter jurisdiction.”

Having reviewed the Plaintiff’s Motion, as well as the proposed amended complaint, the Court is convinced that leave to amend should be granted. The proposed amendments do not appear to be futile, and any potential issues regarding the complaint’s viability would be more appropriately addressed in a motion under Fed.R.Civ.P. 12(b), following full briefing and argument.

Accordingly, Plaintiff’s Motion to Amend Complaint [Docket #14] is GRANTED.

SO ORDERED.

S/R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Dated: November 9, 2006

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served on the attorneys and/or parties of record by electronic means or U.S. Mail on November 9, 2006.

S/Gina Wilson
Judicial Assistant